

D-1-GN-18-001835

NEIL HESLIN and SCARLETT LEWIS, <i>Plaintiffs</i>	§	IN DISTRICT COURT OF
	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and OWEN SHROYER, <i>Defendants</i>	§	261 st DISTRICT COURT
	§	
	§	

PLAINTIFFS' FOURTH AMENDED PETITION

Plaintiffs NEIL HESLIN and SCARLETT LEWIS files this Third Amended Petition against Defendants, ALEX JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and OWEN SHROYER, and alleges as follows:

DISCOVERY CONTROL PLAN

1. Plaintiffs sought and secured a customized discovery control plan under Level 3 of Texas Rule of Civil Procedure 190.4.

PARTIES

2. Plaintiff Neil Heslin is an individual residing in the State of Connecticut.
3. Plaintiff Scarlett Lewis is an individual residing in the State of Connecticut.

4. Defendant Alex E. Jones is a resident of Austin, Texas. He is the host of radio and web-based news programming, including "The Alex Jones Show," and he owns and operates the website InfoWars.com.

5. Defendant InfoWars, LLC is a Texas limited liability company with principal offices located in Austin, Texas.

6. Defendant Free Speech Systems, LLC is a Texas limited liability company with principal offices located in Austin, Texas.

7. Defendant Owen Shroyer is an individual residing in Travis County. At all times relevant to this suit, Mr. Shroyer has been a reporter for InfoWars.

8. At all times relevant to this Petition, Defendants Alex Jones, InfoWars, LLC, and Free Speech Systems, LLC operated as a joint-venture, joint-enterprise, single business enterprise, or alter ego.

JURISDICTION & VENUE

9. The damages sought in this case exceed the minimum jurisdictional limits of Travis County District Courts.

10. Venue is proper in Travis County under Tex. Civ. Prac. & Rem. Code §15.002 because it is the county of Defendants' residence at the time the cause of action accrued.

FACTUAL BACKGROUND

11. Plaintiffs Neil Heslin and Scarlett Lewis are the parents of deceased minor J.L., a victim of the December 14, 2012 Sandy Hook Elementary School shooting.

12. This case arises out of accusations by InfoWars in the summer of 2017 that Mr. Heslin was lying about whether he actually held his son's body and observed

a bullet hole in his head. This heartless and vile act of defamation re-ignited the Sandy Hook “false flag” conspiracy and tore open the emotional wounds that Mr. Heslin has tried so desperately to heal.

13. This case also arises out of the intentional infliction of emotional distress committed against Plaintiffs for the past five years through InfoWars’ recklessly false statements concerning the circumstances of the death of their child, as well as InfoWars’ coordination and encouragement of a fringe community of dangerous fanatics who have stalked and endangered the Sandy Hook parents. Plaintiffs and their family have been specifically targeted in this campaign of harassment.

14. This conspiracy theory, which has been pushed by InfoWars and Mr. Jones since the day of the shooting, alleges that the Sandy Hook massacre did not happen, or that it was staged by the government and concealed using actors, and that the parents of the victims are participants in a horrifying cover-up.

15. In addition to cruel mockery of the families, InfoWars has spent years advancing a vast collection of grotesque and outrageous falsehoods about the circumstances of the shooting and the subsequent law enforcement investigation and media coverage.

16. All of these baseless and vile allegations, which have been pushed by InfoWars and Mr. Jones on a continuous basis since the shooting, advance the idea that the Sandy Hook massacre did not happen, or that it was staged by the government and concealed using carefully placed actors, or that the families of the

victims are also participants in a horrifying cover-up. InfoWars knew its assertions were false or made these statements with reckless and outrageous disregard for their truth.

INFOWARS' FIVE YEARS OF HARASSING COVERAGE OF SANDY HOOK

17. Beginning in the month of the shooting, in December 2012, InfoWars published multiple videos with false information while claiming the incident was a “false flag” or otherwise staged.

18. InfoWars continued with a video on January 27, 2013 entitled “Why People Think Sandy Hook is a Hoax,” Mr. Jones introduced a variety of completely baseless claims which he would continually repeat with malicious obsession for the next five years.

19. On March 28, 2013, InfoWars published an article advancing its hoax claim, entitled “Cover-Up of Adam Lanza Link to Psychotropic Drugs.”

20. In an April 9, 2013 video entitled “Obama Gun Grabbing Psyop Speech of Evil,” Mr. Jones warned his viewers that recent mass shootings were actually “a government operation,” and that Sandy Hook was an “inside job.”

21. In an April 16, 2013 video entitled “Shadow Govt Strikes Again,” Mr. Jones discussed his allegation that the government was staging various national tragedies. He told his audience: “They staged Sandy Hook. The evidence is just overwhelming, and that’s why I’m so desperate and freaked out.”

22. On January 27, 2014, InfoWars published an article advancing its hoax claim, entitled “Exposed: Sandy Hook Shooter’s Biggest Threat Still Lives.”

23. On February 18, 2014, InfoWars published an article advancing its hoax claim, entitled “School Shooting Expert Threatened Over Sandy Hook Investigation.”

24. In a March 14, 2014 video entitled “Sandy Hook, False Narratives Vs. The Reality,” Mr. Jones said, “Folks, we’ve got video of Anderson Cooper with clear blue-screen out there. [Shaking head]. He’s not there in the town square. We got people clearly coming up and laughing and then doing the fake crying. We’ve clearly got people where it’s actors playing different parts for different people, the building bulldozed, covering up everything. Adam Lanza trying to get guns five times we’re told. The witnesses not saying it was him...I’ve looked at it and undoubtedly, there’s a cover-up, there’s actors, they’re manipulating, they’ve been caught lying, and they were pre-planning before it and rolled out with it.”

25. On May 9, 2014, InfoWars published an article advancing its hoax claim, entitled “Revealed: Sandy Hook Truth Exposed.”

26. On May 13, 2014, InfoWars published an article advancing its hoax claim, entitled “Connecticut Tries to Hide Sandy Hook Truth.”

27. On May 13, 2014, InfoWars published a video entitled “Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert.” Mr. Jones hosted a notorious crank, Wolfgang Halbig, who solicits donations to support his “investigation” into Sandy Hook. Mr. Halbig maintains that the event was staged and

that the parents are actors. Mr. Jones agreed with Mr. Halbig during the video, and he asked his viewers to financially support Halbig. Over the coming years, Mr. Halbig was a frequent guest, and InfoWars continued to provide support and encouragement to Mr. Halbig to carry out his campaign of harassment against the Sandy Hook parents.

28. On September 24, 2014, InfoWars published an article advancing its hoax claim, titled: "FBI Says No One Killed At Sandy Hook."

29. InfoWars also published a video on September 25, 2014 entitled "Connecticut PD Has FBI Falsify Crime Statistics." Mr. Jones again hosted Mr. Halbig for a lengthy discussion in which they asserted the event was fake. Mr. Jones stated:

This is not a game...If you've got a school of 100 kids and then nobody can find them, and you've got parents laughing going "Ha, Ha, Ha," and then they walk over to the camera and go (crying), and I mean, not just one, but a bunch of parents doing this and then photos of kids that are still alive they said die. I mean, they think we're so dumb that it's really hidden in plain view, and so the preponderance -- I mean, I thought they had some scripting early on to exacerbate and milk the crisis as Rahm Emmanuel said, but when you really look at it, where are the lawsuits? There would be incredible lawsuits and payouts, but there haven't been any filed, nothing. I've never seen this. This is incredible.

30. On September 26, 2014, InfoWars published an article advancing its hoax claim, entitled: "Sandy Hook Investigator: Connecticut PD Had FBI Falsify Crime Statistics."

31. On December 2, 2014, InfoWars published an article promoting the hoax video entitled "We Need to Talk About Sandy Hook."

32. On December 9, 2014 published an article advancing its hoax claim, entitled: "Internet Censors Viral Sandy Hook Truth Documentary."

33. In a December 27, 2014 broadcast entitled "Lawsuit Could Reveal Truth About Sandy Hook Massacre," Mr. Jones made numerous false claims about Sandy Hook, including his false allegations about "rotations in and out of the building," "blue-screen," "police in anti-terror outfits in the woods," and many others. Mr. Jones described the alleged "acting" by the parents as "just over the top, over the top sick." The video also featured claims that the event was undertaken as a Satanic ritual by global elites.

34. In a December 29, 2014 broadcast entitled "America the False Democracy," Jones again discussed Sandy Hook, telling his audience, "The whole thing is a giant hoax. And the problem is how do you deal with a total hoax? How do you even convince the public something is a total hoax?" Mr. Jones stated, "It took me about a year, with Sandy Hook, to come to grips with the fact that the whole thing was fake. I did deep research."

35. In the same December 2014 broadcast, Jones continued with more false assertions: "The general public doesn't know the school was actually closed the year before. They don't know they've sealed it all, demolished the building. They don't know that they had the kids going in circles in and out of the building as a photo-op. Blue screen, green screens, they got caught using."

36. On January 2, 2015, InfoWars published an article advancing its hoax claim, entitled “Mystery: Sandy Hook Victim Dies (Again) in Pakistan.”

37. In a January 13, 2015 broadcast entitled “Why We Accept Gov’t Lies,” Mr. Jones continued his allegations about Sandy Hook. During his discussion, he stated:

You learn the school had been closed and re-opened. And you’ve got video of the kids going in circles, in and out of the building, and they don’t call the rescue choppers for two hours, and then they tear the building down, and seal it. And they get caught using blue-screens, and an email by Bloomberg comes out in a lawsuit, where he’s telling his people get ready in the next 24 hours to capitalize on a shooting. Yeah, so Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured. I couldn’t believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors. I mean they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in Turkey, or Pakistan. The sky is now the limit.”

38. Mr. Jones’ statement about Pakistan refers to a conspiracy theory Jones helped spread involving a Sandy Hook victim whose photograph appeared at vigil for children slain a school attack in Peshawar. InfoWars’ story was meant to reinforce Mr. Jones’ persistent lie that the victims of the shooting, such as Plaintiff’s deceased son J.L., are not real, or that some sinister conspiracy murdered his child.

39. In a February 12, 2015 video with an unknown title, Mr. Jones continued to repeat his false claims. During his discussion, Mr. Jones stated, “I know they’re using blue screens...There are literally hundreds of smoking guns here that this thing doesn’t add up.”

40. In a March 4, 2015 video entitled “New Bombshell Sandy Hook Information In-Bound,” Mr. Jones continued to promote Mr. Halbig, hosting him for a wide-ranging discussion accusing the parents of evil acts. Mr. Jones told Mr. Halbig, “We know it stinks. I mean, it's phony. The question is what is going on. We don't know. We just know it's fake.”

41. In June of 2015, InfoWars sent its reporter Dan Bidondi to Newtown, Connecticut to accompany Mr. Halbig. While in Newtown, Bidondi and Halbig confronted Newtown residents and civil servants. Mr. Bidondi, a former cage-fighter, aggressively berated several individuals with profanity, false claims, and outrageous threats to publicize their crimes. Their activities created a climate of fear in the community.

42. In a July 7, 2015 broadcast entitled “Government Is Manufacturing Crises,” Mr. Jones again asserted that Sandy Hook was staged:

If they did kill kids, they knew it was coming, stocked the school with kids, killed them, and then had the media there, and that probably didn't even happen. I mean, no wonder we get so many death threats and so much heat and so much other stuff I'm not going to get into, behinds the scenes, when we touch Sandy Hook because, folks, it's as phony as a three-dollar bill.

43. In a July 7, 2015 video entitled “Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up,” Mr. Jones repeated a large selection of his false claims about Sandy Hook. During his discussion, Mr. Jones stated:

No emergency helicopters were sent. The ambulances came an hour and a half later and parked down the road.

DHS an hour and a half later with the time stamp put up signs saying sign in here. They had porta-potties being delivered within an hour and a half. It looked like a carnival. It looked like a big PR stunt.

Came out that Bloomberg a day before sent an email out to his gun control groups in all 50 states saying, "Prepare to roll, maybe operation coming up." That came out in the news.

We have the emails from city council back and forth and the school talking about it being down a year before. We have the school then being demolished, and the records being sealed. We have videos that look just incredibly suspicious where people are laughing and everything, and then they start huffing and puffing and start crying on TV, which is pure acting method...

You've got green-screen with Anderson Cooper, where I was watching the video, and the flower and plants were blowing in some of them, and then they blow again the same way. It's looped. And then his nose disappears. I mean, it's fake. The whole thing is...I don't know what happened. It's kind of like if you see a hologram at Disney World in the Haunted House. You know? I don't know how they do it, but it's not real. When you take your kids to see the Haunted House and ghosts are flying around, it's not real, folks. It's staged. I mean, a magician grabs a rabbit out of his hat. I know he's got a box under the table that he reaches in and gets the rabbit. I don't know what the trick is here. I've got a good suspicion. But when you've got Wolfgang Halbig...He believed it was real. People called him. He went and investigated. No paperwork, no nothing. It's bull. And now an FBI retired agent, who retired, you know, with decorations. I mean, [InfoWars reporter Rob] Dew, this unprecedented.

44. On July 10, 2015, InfoWars published an article advancing its hoax claim, entitled "Sandy Hook FOIA Killed by Commission."

45. On January 5, 2016, InfoWars published an article advancing its hoax claim, entitled “Obama’s Crying Fuels Speculation It Was Faked.”

46. In January of 2016, InfoWars follower Lucy Richards began stalking and making death threats to Leonard Pozner, a fellow Sandy Hook parent and personal friend of Plaintiff Scarlett Lewis. The threats included messages stating: “Death is coming to you real soon” and “LOOK BEHIND YOU IT IS DEATH.”¹ When Richards was later sentenced, Senior U.S. District Judge James Cohn stated: “I'm sure [Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.'s] heartbeat and hear [N.P.] say 'I love you, Dad'...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts.”² As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including InfoWars.³ Ms. Richard’s arrest and sentencing are an ominous reminder to the Plaintiffs of the danger posed by InfoWars’ continuing lies about Sandy Hook.

47. Mr. Jones and InfoWars were well-aware of the unhinged community of “Sandy Hook Investigators” they had fostered. Defendants knew that a large collection of Sandy Hook deniers were coordinating their harassment against Plaintiffs and other victims. Plaintiffs and their family have suffered harassment and

¹ <https://www.nbcnews.com/news/us-news/conspiracy-theorist-arrested-death-threats-against-sandy-hook-parent-n693396>

² <http://www.nydailynews.com/news/crime/judge-hands-sandy-hook-truther-prison-sentence-article-1.3229754>

³ <https://www.buzzfeed.com/claudiakoerner/a-conspiracy-theorist-will-serve-time-for-threatening-a>

threats from this community. Mr. Jones and InfoWars have frequently communicated with the hoax community and have interviewed or promoted members of this dangerous community on their programming. During a February 2015 video, one prominent member of the Sandy Hook denier community issued a threat to a Sandy Hook parent on the air. During the same video, Mr. Jones showed maps and addresses used by the parent. This parent was the leader of a Sandy Hook non-profit who had complained to YouTube about the emotional distress caused by Jones. Since that time, Mr. Jones' open animosity towards the Sandy Hook parents has been on full display.

48. By November 2016, a growing tide of public outrage caused Mr. Jones to appear on InfoWars and rant about his false Sandy Hook claims for twenty minutes in what he called his "Final Statement on Sandy Hook," published on November 18, 2016.

49. During the outrageous video, Mr. Jones directly addressed the public outcry over his statements by doubling down on his accusations. For example, Mr. Jones stated: "That shows some kind of cover-up happening. And then I saw Anderson Cooper -- I've been in TV for twenty-something years, I know a blue-screen or a green-screen -- turn and his nose disappeared. Then I saw clearly that they were using footage on the green-screen looped, because it would show flowers and other things during other broadcasts that were moving, and then basically cutting to the same piece of footage...Then we see footage of one of the reported fathers of the victims, Robbie Parker, doing classic acting training."

50. The gist of these statements was that Sandy Hook parents are actually participating in a sinister manipulation plan to fool the public, or that a shadowy cabal of elites pre-planned the murder of their children and controlled the coverage of the event through the media manipulation.

51. During the November 2016 broadcast, Mr. Jones played video footage of Anderson Cooper interviewing Sandy Hook parent Veronique De La Rosa, at which point Jones stated: "We point out clear chromakey, also known as blue-screen or greenscreen being used, and we're demonized. We point out that they're clearly doing fake interviews...and their answer is to say that we said nobody died."

52. Towards the end of the November 2016 broadcast, Mr. Jones stated: "Why should anybody fear an investigation? If they have nothing to hide? In fact, isn't that in Shakespeare's Hamlet? Methinks you protest too much...This particular case, they are so scared of investigation."

53. Mr. Jones concluded the video by accusing parents seen on television of being actors. Mr. Jones stated, "So, if children were lost at Sandy Hook, my heart goes out to each and every one of those parents. And the people who say they're parents that I see on the news. The only problem is, I've watched a lot of soap operas. And I've seen actors before. And I know when I'm watching a movie and when I'm watching something real."

54. The November 2016 video broadcast was entitled, "Alex Jones Final Statement on Sandy Hook." It was Plaintiff's hope that the title was accurate, and that

Mr. Jones would finally end his reckless attacks on the Sandy Hook parents and his assertions that they were liars and actors engaged in a fraud on the American people.

55. As horrifying as the November 2016 broadcast was, its promise of being the “Final Statement” gave some hope to Plaintiffs that Mr. Jones’ harassment might be coming to an end after four long years.

56. Those hopes were soon dashed. Instead, InfoWars continued its cruel campaign in 2017.

57. In a March 8, 2017 video, Mr. Jones praised the credibility of Steve Pieczenik, who had previously claimed on InfoWars programming that Sandy Hook was “a Homeland Security drill that they passed off as a real event.” Mr. Jones admitted that despite his years of prior statements, “I can’t prove it one way or the other.” Nonetheless, Mr. Jones repeated his accusation that Veronique De La Rosa’s interview with Anderson Cooper was faked in front of a blue screen. He also told his audience that Anderson Cooper was in the CIA, hoping to convince them that the agency was part of the plot.

58. On April 22, 2017, InfoWars published a video entitled “Sandy Hook Vampires Exposed.” This video again repeated the large collection of false accusations which Mr. Jones had been using for years to support his ceaseless attacks on the Sandy Hook families, including the false claims that Sandy Hook parent Veronique De La Rosa participated in a fake blue-screen interview with Anderson Cooper, that the school was closed until that year and was rotting and falling apart in videos, that the

children were “going in circles, in and out of the building with their hands up,” that port-a-potties had been delivered “an hour after it happened, for the big media event,” and that police were “pulling guns out of cars” and “finding people in the back woods who are dressed up in SWAT gear.” Not only did this video continue to advance these hideous and reckless lies about the tragedy, but Mr. Jones and his employee Rob Dew mocked the families as actors and discussed their desire to see photographs of the children’s dead bodies.

59. On June 13, 2017, in a video entitled “Media Refuses to Report Alex Jones’ Real Statements on Sandy Hook,” Mr. Jones addressed what he knew would be a highly embarrassing interview with Megyn Kelly that was scheduled to air several days later. During this video, Mr. Jones pointed his viewers to a list of questions published by Zero Hedge, a notorious anonymous website that spreads misinformation. These questions were all based on Mr. Jones’ baseless lies, including his allegation that school’s website received no internet traffic in the years before the attack, that there had been reports of other shooters in the woods who fled, that port-a-potties had been delivered within an hour, that FBI crime statistics show no murders in Newtown in 2012, that EMTs were not allowed in the building, and that Mrs. De La Rosa’s interview was faked using a blue-screen.

60. On June 18, 2017, NBC aired Ms. Kelly’s profile of Jones. During his interview, Mr. Jones stated that there had been a “cover-up” and “manipulation.” He also falsely claimed that children were filmed going in circles in and out of the school.

61. The following exchange took place:

MEGYN KELLY: But Alex, the parents, one after the other, devastated. The dead bodies that the coroner autopsied...

ALEX JONES: And they blocked all that. And they won't release any of it. That's unprecedented.

62. Mr. Jones and Ms. Kelly also had the following exchange:

JONES: But then what do you do, when they've got the kids going in circles, in and out of the building with their hands up? I've watched the footage. And it looks like a drill.

MEGYN KELLY: When you say, "parents faked their children's death," people get very angry.

ALEX JONES: Yeah, well, that's - oh, I know. But they don't get angry about the half million dead Iraqis from the sanctions. Or they don't get angry about all the illegals pouring in.

63. On June 26, 2017, InfoWars' broadcast featured a segment hosted by reporter Owen Shroyer in which Shroyer claimed to have reviewed evidence showing it was impossible for Mr. Heslin to have held his son and see his injury.

64. During the broadcast, Shroyer said, "The statement [Plaintiff] made, fact-checkers on this have said cannot be accurate. He's claiming that he held his son and saw the bullet hole in his head. That is his claim. Now, according to a timeline of events and a coroner's testimony, that is not possible."⁴

⁴ <https://www.infowars.com/zero-hedge-discovers-anomaly-in-alex-jones-hit-piece/>

65. As support for these defamatory statements, Shroyer played video footage where the local medical examiner informed reporters that the slain students were initially identified using photographs rather than in person.

66. Shroyer also stated, "You would remember if you held your dead kid in your hands with a bullet hole. That's not something you would just misspeak on."⁵

67. Stroyer continued by stating that Mr. Heslin was "making a pretty extreme claim that would be a very thing vivid in your memory, holding his dead child."⁶

68. "The conspiracy theorists on the internet out there have a lot of questions are that are yet to be answered. You say whatever you want about the event, that's just a fact."⁷

69. At the conclusion of his report, Shroyer stated, "Will there be a clarification from Heslin or Megyn Kelly? I wouldn't hold your breath. [Laugh]. So now they're fueling the conspiracy theory claims. Unbelievable."⁸

70. The underlying point or gist of Shroyer's report is that Mr. Heslin's version "is not possible" and "cannot be accurate," and that Mr. Heslin was lying about the circumstances of his son's tragic death for a nefarious and criminal purpose.

71. Shroyer's report was manifestly false. In addition, a minimal amount of research would have caused any competent journalist not to publish the defamatory

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

accusation. According to contemporary news accounts, the bodies of the victims were released from the medical examiner into the custody of the families.⁹ Funerals where the children's bodies were in the custody of their parents were widely reported on by the press.¹⁰

72. On July 20, InfoWars programming featured a segment hosted by Alex Jones in which Shroyer's report was re-broadcast in full. When introducing the segment, Jones demanded that Mr. Heslin "clarify" what actually happened.

73. After showing the segment, Jones said he told Shroyer, "I could never find out. The stuff I found was they never let them see their bodies. That's kind of what's weird about this. But maybe they did. So I'm sure it's all real. But for some reason they don't want you to see [Shroyer's segment]."¹¹

74. Regarding the Sandy Hook shooting, Jones said, "Can I prove that New Haven [sic] didn't happen? No. So I've said, for years, we've had debates about it, that I don't know. But you can't blame people for asking."¹²

75. Mr. Jones was lying. In the five years following the tragedy, he has repeatedly and unequivocally called the Sandy Hook shooting a hoax.

76. Over the next year, Mr. Jones continued to gaslight the Plaintiffs by insisting that he admitted for years that Sandy Hook was real. He even claims to have

⁹ <https://patch.com/connecticut/newtown/police-no-motive-emerging-in-newtown-school-shooting>

¹⁰ http://abcnews.go.com/US/photos/sandy-hook-moment-silence-18026580/image_18045101; https://www.washingtonpost.com/politics/funerals-for-newtown-massacre-victims-begin/2012/12/17/ffd0a130-486d-11e2-820e-17eefac2f939_story.html?utm_term=.0ccb4af100

¹¹ <https://www.mediamatters.org/blog/2017/07/21/alex-jones-sandy-hook-dad-needs-clarify-whether-he-actually-held-his-son-s-body-and-saw-bullet-hole/217333>

¹² *Id.*

apologized in a video released on the day of Megyn Kelly profile, on June 18, 2017. Yet his video did not actually contain any apology, and soon thereafter, Mr. Jones continued to publish false facts about the death of Plaintiffs' son. Ultimately Jones waffled and back forth on whether Plaintiffs' son and the other children actually died, but he consistently maintained the event was "phony," and repeats his dozens of recklessly false assertions to support his conclusion.

77. For example, in an October 26, 2017 video entitled "JFK Assassination Documents To DROP Tonight," Mr. Jones continued his false claims, including stating that the CIA visited Sandy Hook shooter Adam Lanza and recruited him. He claimed that the truth about Lanza is not known because "they bulldozed the house to get rid of it." Mr. Jones also told his audience that Sandy Hook was "as phony as a three-dollar bill, with CNN doing fake newscasts, with blue screens."

78. Despite his well-documented conduct, Mr. Jones decided to cast the families as dishonest not only about Sandy Hook, but about their own torment at his hands. In a video on April 20, 2018 entitled, "MSM Continues to Demonize Alex Jones," Mr. Jones once again proved himself to be an emotionally manipulative liar while mocking the parents with a cruel and juvenile imitation:

I think they almost do this to mess with us or something. I'm serious, man...They go, "Oh, my gosh, why are you doing that? You hurt me." And we're like, "No, no. We're sorry." "You've hurt me." And like five years later, "You hurt me. Stop hurting me." And we're like, "But we're not bringing you up."

79. In truth, Mr. Jones has continuously leveled his accusations against the parents, repeated a collection of false claims about the shooting, and even claimed the incident was phony a few months before the first lawsuits were filed against him.

80. In the same video on April 20, 2018, Mr. Jones continued to accuse the parents of lying about his conduct, and he falsely claimed that he had not discussed Sandy Hook in many years. In a mocking imitation, he stated, "Oh, my gosh. Alex has no heart. He is -- nothing is sacred. He brought it up again.' No. You did and lied about it."

81. In the April 20, 2018 video, Mr. Jones also falsely claimed he had never attacked the victims, stating, "I have never gone after the Sandy Hook parents...Who in the hell would try to go after people's parents who have dead children?"

82. In the April 20, 2018 video, Mr. Jones also continued to make recklessly false claims about Sandy Hook. For example, Mr. Jones stated, "You can look it up. They stood down in Sandy Hook. They stood down in Parkland. That's a fact." Later in the video, he repeated his claim that there was a police "stand down" at Sandy Hook.

83. In the April 20, 2018 video, Mr. Jones also continued his bizarre allegations about Veronique De La Rosa's interview with Anderson Cooper, stating, "It's just a background with the flowers of the town hall and her and Anderson Cooper. And then he turns and his head is shimmery, and his nose disappears, which everybody knows is a chroma key." Mr. Jones also repeated his claim that Anderson

Cooper was working for the CIA, and he continued to assert that the interview was shot in front of a blue-screen rather than the result of digital compression.

84. Finally, it must be noted that the above descriptions of InfoWars' conduct are not exhaustive. InfoWars has published an enormous amount of video and written content regarding its Sandy Hook hoax claim. Much of that material was removed from the public domain in 2018 and cannot be identified by date and title. It is impossible for the Plaintiffs to present the full scope of InfoWars' actions over the past five years without testimony and documents from the participants.

85. Nonetheless, it is clear that InfoWars did not merely "cover" the Sandy Hook conspiracy. Instead, its malicious allegations about Sandy Hook quickly become a core element of its programming and soon turned into an outrageous five-year obsession. The publications described above were part of a continuous course of conduct in which Mr. Jones promoted false facts about the death of Plaintiffs' son with malicious motives.

CAUSES OF ACTION

I. Defamation and Defamation *Per Se* by All Defendants Against Neil Heslin.

86. All previous allegations are incorporated by reference.

87. Plaintiff is a private individual and is neither a public official nor a public figure.

88. The June 26, 2017 and July 20, 2017 broadcasts by Defendants were false, both in their particular facts and in the main point, essence, or gist in the context in which they were made.

89. In viewing the June 26, 2017 and July 20, 2017 broadcasts, a reasonable member of the public would be justified in inferring that the publications implicated the Plaintiff. Individuals who know the Plaintiff understood the publications to concern Plaintiff.

90. The June 26, 2017 and July 20, 2017 broadcasts were also defamatory because they are reasonably susceptible to a defamatory meaning by innuendo. A reasonable person, reviewing the statements in question, could conclude the Plaintiff was being accused of engaging in fraudulent or illegal activity. In context, the gist of the statements could be construed as defamatory to the Plaintiff by an average member of general public. Individuals who know the Plaintiff understood the publications to implicate criminal conduct by Plaintiff.

91. Defendants' defamatory publications were designed to harm Plaintiff's reputation and subject the Plaintiff to public contempt, disgrace, ridicule, or attack.

92. Defendants acted with actual malice. Defendants' defamatory statements were knowingly false or made with reckless disregard for the truth or falsity of the statements at the time the statements were made.

93. Defendants' defamatory publications were not privileged.

94. Defendants' defamatory statements constitute defamation *per se*. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate the Plaintiff in heinous criminal conduct. False implications of criminal conduct are the classic example of defamation *per se*.

95. Defendants publicly disseminated the defamatory publications to an enormous audience causing significant damages to the Plaintiff.

96. Defendants' defamatory publications have injured Plaintiff's reputation and image, and they have exposed Plaintiff to public and private hatred, contempt, and ridicule.

97. In light of their prior experience with these kinds of reckless statements, Defendants knew that their publication could cause Plaintiff to suffer harassment and potential violence.

98. Defendants' defamatory publications have and will continue to cause harm to Plaintiff. Due to Defendants' conduct, the Plaintiff has suffered and continues to suffer substantial damages in an amount to be proven at trial.

II. Intentional Infliction of Emotional Distress by Alex Jones, InfoWars, LLC, and Free Speech Systems, LLC Against Neil Heslin and Scarlett Lewis.

99. All previous allegations are incorporated by reference.

100. Defendants knew or should have known that their videos on November 18, 2016, March 8, 2017, April 22, 2017, June 13, 2017, June 19, 2017, June 26, 2017, July 20, 2017, October 26, 2017, and April 20, 2018 would cause Plaintiffs severe

emotional distress and cause their family to be the subject of harassment, ridicule, and threats to their safety.

101. Defendants made the statements in these videos in bad faith and with malicious motives, knowing the statements were false or in reckless disregard for the truth, and knowing they would cause severe emotional distress.

102. Defendants consistently published false assertions about the circumstances of the death of Plaintiffs' child in scores of videos and articles for years, long after they should have known their allegations were false and causing emotional distress and danger.

103. In addition, Defendants have been acting in a continuing course of conduct against Plaintiffs since at least January 27, 2013, when Mr. Jones first made his outrageous and false Sandy Hook hoax allegations. Since that time, Defendants have been engaged in a continuous campaign of cruel and dishonest harassment as detailed above, all of which has caused severe emotional distress to Plaintiffs.

104. Defendants' malicious statements were part of a continuous pattern of five years of intentional and reckless harassment accomplished through dozens of disturbing videos, a relentless stream of recklessly false articles published on InfoWars.com, harassing social media content, as well as the encouragement, aid, and financial support to third parties in furthering this harassment. The cumulative quality and quantity of the harassment has been extreme and has shocked the nation.

105. Defendants recognized the distress of the Sandy Hook parents and often addressed the parents directly in their outrageous videos.

106. In light of their prior experience with these kinds of reckless statements, Defendants knew or should have known that their conduct could cause Plaintiffs and their family to suffer harassment and violence. Defendants knew or should have known their reckless conduct was likely to prompt its audience to contact or communicate with Sandy Hook victims in a hostile or harassing manner.

107. Severe emotional distress was the primary risk created by Defendants' reckless conduct, and Defendants knew and intended for Plaintiffs to suffer emotional distress.

108. Defendants' conduct, as a whole, was outrageous and intolerable, going beyond all possible bounds of decency.

109. Defendants' five-year campaign of willful lies and malicious harassment was utterly intolerable in a civilized community.

110. No reasonable person could be expected to endure the emotional distress inflicted upon Plaintiffs.

111. Plaintiffs are private individuals and are neither public officials nor public figures.

112. Defendants' actions were not conducted in a public space. Rather, Defendants' actions were conducted on its own private property for the purpose of profit.

DAMAGES

113. Defendants' actions have and will continue to cause harm to Plaintiffs.

Due to Defendants' conduct, Plaintiffs have suffered and continue to suffer substantial damages in an amount to be proven at trial.

114. Plaintiffs have suffered general and special damages, including a severe degree of mental stress and anguish which disrupted their daily routine and caused a high degree of psychological pain.

115. Plaintiffs are also entitled to exemplary damages because the Defendants acted with gross negligence, ill-will, and malice.

116. Plaintiffs are entitled to pre-judgment and post-judgment interest, costs of court, and attorney's fees.

117. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs are seeking an amount in relief which exceeds \$1,000,000.

JURY DEMAND

118. Plaintiffs demand a jury trial and tendered the appropriate fee with their Original Petitions.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiffs ask that the Court issue citation for each Defendant to appear and answer, and that Plaintiffs be awarded all the damages set forth above, and to grant whatever further relief to which Plaintiffs are justly entitled.

Respectfully submitted,

KASTER LYNCH FARRAR & BALL, LLP



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CERTIFICATE OF SERVICE

I hereby certify that on _____, 2022, the forgoing pleading was served upon all counsel of record via electronic service.



MARK D. BANKSTON